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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 1604 OF 2007
IN
WRIT PETITION No. 190 OF 2007

Office notes, :
office memoranda :
of coram, :
appearances, :
Court's orders : Court's or Judge's
directions & : order
Registrar's :
orders :

None for the applicant.

Mr. Ramesh Ramamurthy, advocate for petitioners in W.P. No. 190/2007.

Ms. P. P. Tendulkar, with M. S. Karnik for respondent No.2

Ms. K. Bagalia, advocate for respondent No.1.

CORAM: J. N. PATEL,
AND
A. A. SAYED, JJ.

DATE : AUGUST 2, 2007.

P.C.:

. Heard the learned counsel for the parties. This application filed by the respondent Corporation, seeking permission of this Court to disburse 50% of the provident fund/pension dues under the Provident Fund Scheme of KRCL employees, listed in Annexuree-A and such further emloyees who may

hereafter as and when cease to be in the service of KRCL, and also for a further order to deduct the payments so made from the amounts finally found to be payable to the said employees, and further order to enable them to deduct the amounts, which they are entitled to recover, subject to the final disposal of the petition.

2. We find that this application has been made by the respondent Corporation to meet the needs of employees, who were retired or died while in service and it is to the benefits of the employees/ family of the employees, who is named in Annexure-A.

3. In our view, there is no legal impediment in the way of the respondent Corporation to disburse the amount, subject to the decision of the issues, raised in the petition and without prejudice to the rights of the parties. We also make it clear that any employees or

family or legal representatives of the employees who are willing to withdraw the amount, as sought to be disbursed by the respondent Corporation, the respondent corporation can disburse the amount to them, and therefore the application stands disposed off accordingly.

4. The learned counsel for the parties submits that the issue deserves to be decided by this Court at the earliest as it has put on hold the implementation of the Provident Fund Scheme. We direct the parties to complete their pleadings, if any and then get the matter circulated for hearing immediately after 15th August 2007.

Sd/- Sd/-

[A. A. SAYED, J.] [**J. N. PATEL, J.]**